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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,)
11 Plaintiff,) 2:12-CR-391(LDG)(VCF)
12 v.)
13)
14 MARISSA LAPID,)
15 Defendant.)
16 _____)

**GOVERNMENT'S AMENDED MOTION TO AMEND
ORDER ISSUED AT DEFENDANT'S CHANGE
OF PLEA HEARING TO PAY FORFEITURE
JUDGMENT TO THE CUSTOMS AND BORDER PROTECTION
DIVISION OF THE DEPARTMENT OF HOMELAND SECURITY**

On October 29, 2012, defendant, Marissa Lapid, was indicted on one count of bulk cash smuggling, in violation of 31 U.S.C. § 5332 and one count of conspiracy to structure transactions with the intent to evade reporting requirements in violation of 31 U.S.C. § 5324(a)(3). At her change of plea hearing that occurred on October 29, 2012, the defendant pled guilty to both counts of the indictment. This Court also entered a preliminary order of forfeiture against the defendant at that hearing. That preliminary

1 order of forfeiture ordered the defendant to forfeit \$40,000.00 in United States currency
2 and also imposed a forfeiture money judgment against the defendant in the amount of
3 \$159,700.00, pursuant to 31 U.S.C. §§5317(c)(1) and 5332(b)(2). (The defendant had
4 agreed to the forfeiture amounts in her signed plea agreement with the United States.)

5 At her change of plea hearing, the defendant requested that she be permitted to pay
6 the forfeiture judgment of \$149,700.00 prior to sentencing, and this Court granted that
7 request.

8 Court Clerk records indicate that on November 6, 2012, the defendant paid the
9 \$149,700.00 forfeiture judgment with a check that she gave to the Clerk of this Court.
10 That check has been deposited into the registry of this Court.

11 On February 8, 2013, the United States filed a motion with this Court requesting
12 that it amend its Preliminary Order of Forfeiture directing the Clerk of the Court to
13 tender a check to United States Customs and Border Protection for \$159,700.00 because
14 the United States Customs and Border Protection is the appropriate beneficiary of these
15 forfeiture funds. This Court issued an order dated February 11, 2013, granting that
16 request. A Customs and Border Protection representative appeared at the Clerk's office
17 on February 14, 2013, to execute that order, but was unable to do so. Through that CBP
18 agent, the Clerk of this Court respectfully requested, that to vindicate its standard
19 operating procedures, this Court issue a further order that is slightly more specific in its
20 instructions regarding disbursal of the afore-referenced check. (Apparently, these
21 additional detailed instructions are necessary, because the Clerk's office routinely mails
22 these checks to recipients. However, for chain of custody purposes, the Customs and
23 Border Protection needs to physically retrieve the check.)

24 In addition, the appropriate amount of the check to be remitted by the Clerk's
25 office to the United States Customs and Border Protection is \$149,700.00, **not**

1 \$159,700.00 as stated in the Government's initial motion and this Court's subsequent
2 order. We regret this scrivener's error.

3 As noted in our initial motion, the Immigrations and Customs Enforcement,
4 Homeland Security Investigations is the federal agency that sponsored this criminal
5 investigation; and it is the agency that should receive the proceeds that have been ordered
6 forfeited by the Court so that those funds can be deposited into the appropriate Treasury
7 Asset Forfeiture Fund account. A check to receive these funds, in the amount of
8 \$149,700.00 should be made payable to the United States Customs and Border Protection
9 which processes forfeitures for Homeland Security Investigations.

10 Pursuant to background, discussed above, we further request that this Court order
11 that within five days of preparing this check, the Office of the Clerk for this Court will
12 contact Customs and Border Protection Special Agent, Albert Giangregorio for the U.S.
13 Customs and Border Protection to notify him of the availability of the above-referenced
14 check. Special Agent Giangregorio will pick up the check on behalf of the United States
15 Customs and Border Protection within five business of being notified of its availability
16 for pick-up by the Clerk's office.

17 Because the defendant has deposited this money with the registry of the Court, in
18 satisfaction of the forfeiture judgment entered against her, she has no interest or stake in
19 where the money is directed within the federal government. (We reiterate that, in any
20 event, a copy of this motion has been served on defendant's counsel.)

22 If this Court does not order the payment of the forfeiture judgement to the Customs
23 and Border Patrol, the money will remain in the registry of this Court, *ad infinitum*, rather
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1 than in the United States Department of Treasury Asset Forfeiture Fund where it should
2 be deposited.

3 For all of the foregoing reasons, the United States asks that this Court order that
4 the Clerk of this Court, pay \$149,700.00, drawn on the Clerk's Registry and made
5 payable to Customs and Border Protection. As outlined above, we also ask this Court to
6 contact United States Customs and Border Protection Special Agent Albert Giangregorio,
7 702-412-1269, within five business days of preparing said check that it is available for
8 pick-up.

11
12 Respectfully submitted,

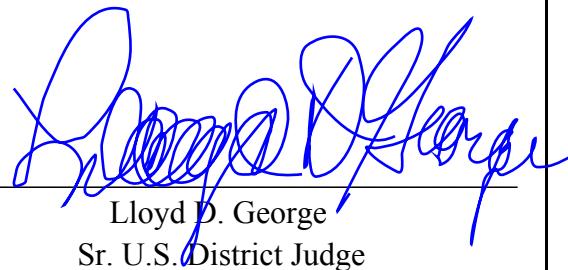
13 DANIEL G. BOGDEN
14 United States Attorney

15 /s/ Michael A. Humphreys
16 MICHAEL A. HUMPHREYS
17 Assistant United States Attorney

18 ORDER

19 IT IS SO ORDERED.

20 DATED this 21 day of February, 2013.



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Lloyd D. George
Sr. U.S. District Judge